

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

IN RE NORTHERN DYNASTY
MINERALS LTD. SECURITIES
LITIGATION

Case No. 1:20-cv-05917-ENV-TAM

SUPPLEMENTAL DECLARATION OF EMMA GILMORE

I, Emma Gilmore, declare under penalty of perjury that the following is true and correct to the best of my knowledge, information and belief.¹

1. I am an attorney duly licensed to practice law in New York and before this Court. I am a partner at Pomerantz LLP (“Pomerantz”), Lead Counsel for Lead Plaintiff Lawrence Kelemen (“Lead Plaintiff”) and Named Plaintiff Charles Hymowitz (“Named Plaintiff” and, together with Lead Plaintiff, the “Plaintiffs”) and the Class in this litigation (“Action”). I have personal knowledge of the matters set forth herein and, if called upon, I could and would completely testify thereto.

2. I submit this Declaration in further support of Plaintiffs’ Motions for: (1) Final Approval of Proposed Class Action Settlement (Dkt. No. 68); and (2) Award of Attorneys’ Fees, Reimbursement of Expenses, and Awards to Plaintiffs (Dkt. No. 69).

3. Attached hereto as Exhibit 1 is a true and correct copy of the Supplemental Declaration of Morgan Kimball, dated November 30, 2023 (“Supp. Kimball Decl.”).

4. Attached hereto as Exhibit 2 is a true and correct copy of the [Proposed] Order and Final Judgment.

5. The Court-ordered deadline for Settlement Class Members to object to the Settlement, Plan of Allocation, requested attorneys’ fees and expenses, or requested awards to Plaintiffs, or to opt out of the Settlement Class, was November 16, 2023. Dkt. No. 67-1 (Preliminary Approval Order) ¶¶21, 25. To date, not one objection has been filed (timely or otherwise). Only three putative Settlement Class Members have validly requested to be excluded from the Settlement Class. *See* Supp. Kimball Decl. ¶¶6-8, Ex. A. The other two requests for

¹ Unless otherwise indicated, all capitalized terms herein shall have the same meanings as set forth in the Stipulation and Agreement of Settlement dated May 24, 2023 (“Stipulation”) (Dkt. No. 64-1).

exclusion received via mail, although timely, are invalid because they are incomplete. *Id.* Epiq has contacted these two individuals who submitted invalid requests for the necessary information and they have not cured the issue. *Id.*

I declare under penalty of perjury that the foregoing is true and correct.

Executed: November 30, 2023

/s/ Emma Gilmore
Emma Gilmore

CERTIFICATE OF SERVICE

I hereby certify that on November 30, 2023, a true and correct copy of the foregoing document was served by CM/ECF to the parties registered to the Court's CM/ECF system.

By: /s/ Emma Gilmore
Emma Gilmore